



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 4218-00

17 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 26 February 1948 at the age of 17. Your record reflects that on 6 June 1984 you received captain's mast (CM) for neglect in the performance of your duties and were awarded extra duty for 20 hours. On 18 May and again on 26 October 1949 you received CM for being out of uniform and a one day period of unauthorized absence.

Your record reflects that on 19 and 29 May 1950 you received CM for two periods of absence from your appointed place of duty and breaking restriction. Subsequently, you were processed for an administrative separation by reason of unfitness. On 26 June 1950 your commanding officer recommended you be issued an undesirable discharge by reason of unfitness as evidenced by your record of misconduct and complaints of theft aboard ship. However, on 14 July 1950, the discharge authority directed your commanding officer to issue you a general discharge by reason of unsuitability. On 17 August 1950 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded now that you are emotionally disabled. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The Board also noted that if you would like your Certificate of Discharge or Release from Active Duty (DD Form 214) changed to reflect a general discharge instead of a discharge under other than honorable conditions, you should contact the Navy Personnel Command, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 and request such a correction.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director